

VOLUME 14 INDEX

FALL 1996 1-88
WINTER 1996 89-166
SPRING 1997 167-266
SUMMER 1997 267-364

A

Academy of Family Mediators (AFM), 180, 189, 234
"Achieving Neutrality and Impartiality: The Ultimate Communication Challenge for Peer Mediators," 337-352
Active listening, 202. *See also* Listening skills
Activist mediation, 294
Administrative Dispute Resolution Act of 1990, 273
Adolescents: conflict resolution training programs for, 21-22; conflicts and, 21. *See also* Peer mediation training, mediator neutrality and (study); Student-designed consensus peer-mediation model
Alternative dispute resolution (ADR): fairness and, 38; need for, 135. *See also* Mediation
American Arbitration Association (AAA), 218-219, 337
American Bar Association (ABA), 219, 337, 339
Analyst role, 137
Ancestral mediation, 3-4
Antisocial compliance-gaining strategies, 69-71
Applied Practice and Theory (APT) Program: as conflict model, 101-102; continuous learning loop of, 101; evaluation of, 107-108; goals of, 93; intervention decision making and, 104-107; as learning experience, 101-102; as model of reflective practice, 98; organizational learning and, 102-103; pitfalls of, 108; practicum of, 99-100; promises of, 107-109; public organizations and, 102-103; research questions in, 101; single-loop learning and, 104. *See also* Conflict resolution interventions
Arbitration, domestic violence and, 330

Argumentativeness, 70. *See also* Antisocial compliance-gaining strategies
Artistic practice, 95
Assessment, mediation, 136. *See also* Child assessment; Mediation Inventory for Cognitive Roles Assessment (MICRA)
Association of Family and Conciliation Courts (AFCC) Symposium on Mediation and Domestic Abuse, 321
Association of Family and Conciliation Courts, 234
Attorneys: child therapists and, 188; children in mediation and, 152; domestic violence mediation and, 329-330. *See also* Cook County, Illinois, attorneys (study); Lawyers
Authority continuum, 233

B

Balance, 203
Bargaining, 7
Bargaining paradigm, 274
Barsky, A. E. "Mediation and Empowerment in Child Protection Cases," 111-134
Beck, P., "Broadening the Scope of Divorce Mediation to Meet the Needs of Children," 179-199
Biank, N., "Broadening the Scope of Divorce Mediation to Meet the Needs of Children," 179-199
Bias, 7-9. *See also* Neutrality, mediator
Birkhoff, J. E., "The Development of Pedagogy and Practicum," 93-110
Bodtker, A. M., "Mediation as Mutual Influence: Reexamining the Use of Framing and Reframing," 237-249
Bohmer, C., "Notions of Equity and Fairness in the Context of Divorce: The Role of Mediation," 37-52
Bounded rationality, 105-106
Brainstorming, 314
Brief therapy, 312
"Broadening the Scope of Divorce Mediation to Meet the Needs of Children," 179-199

C

- Campbell, A., "Mediation of Children Issues When One Parent Is Gay: A Cultural Perspective," 79-88
- Case analysis, 286
- Catalyst role, 137
- Cavenagh, T. D., "A Quantitative Analysis of Use and Avoidance of Mediation by the Cook County, Illinois, Legal Community," 353-364
- Center for Dispute Resolution, Denver, 218
- Centering, 205-206
- Child assessment: case studies of, 192-198; follow-up and, 195-198; option consideration and, 193-195; parental assessment and, 182-183, 185; Partners in Transition process of, 190-193
- Child custody: domestic violence mediation and, 328-329, 331; gays/lesbians and, 80
- Child protection (CP): concerns about, 111; current system of, 113-114; empowerment and, 112-113, 130-132; power balancing and, 113-114, 126-130; power imbalances and, 113; principles of, 111; purpose of, 111
- Child protection mediation: efficacy of, 114-115; empowerment function of, 115, 130-132; ethical issues in, 132; history of, 114; questions about, 131-132; research on, 111-112, 114-115; risks of, 131; social work and, 131
- Child protection mediation (study): cases in, 117-123; decision-making responsibility and, 125-126; discussion, 130-131; findings, 116-130; future research and, 131-132; mediator option development and, 116-123; methods, 115-116; participant equal opportunity and, 123-125; power balancing and, 126-131
- Child protection workers (CPWs): client disempowerment by, 124; as mediators, 131; option generation by, 119; parent resentment of, 111-112; participant equal opportunity and, 123-125; power misuse by, 127
- Child therapists, 181-183, 187-188
- Child/adolescent peer mediation. *See* Consensus peer mediation model; High school conflict resolution/peer mediation training (study); Peer mediation; Peer mediation training, mediator neutrality and (study)
- Children: homosexual parents of, 80-81; nonadversarial problem-solving and, 251, 253; separation trauma/anxiety and, 184-187. *See also* Child custody; Child protection (CP)
- Children, in mediation: AFM Standards and, 180-181; assessment of, 180-181, 183-184; benefits of, 149; case studies of, 186-187; child therapists and, 181-183, 187-188; children's emotional state and, 148; children's unrealistic omnipotence and, 148; criticism of, 180-181; developmental models and, 254; divorce statistics and, 184; evolutionary consciousness and, 252; as hidden clients, 180, 198; issues in, 148; mediator neutrality and, 188, 198; mediator role and, 183-184, 187-188; methods of inclusion for, 152; nonadversarial examples of, 251; nurturing parent and, 185; options for, 254-255; parental assessment of, 182-183, 185; parental decision making and, 149; parental difficulties and, 149; peacemaking programs and, 256; peer mediation programs and, 255-256; prevalence of, 152-153; professional advice and, 181; psychological factors and, 184-186; self-determination and, 180; separation trauma/anxiety and, 184-187; therapeutic perspective of, 181-182, 187-188; twenty-five-year follow-up study of divorce mediation and, 182; unintended consequences and, 187; usefulness of children's information and, 148-149. *See also* Consensus peer mediation model
- Children, in mediation (study): attorney-mental health professional differences and, 152; data analysis/results, 150-152; discussion, 152-153; factors relating to excluding children and, 152; factors relating to including children and, 151-152; methods, 149-150; research base and, 147-148; respondent demographics, 150
- Clients: compliance of, 6, 159-160; compliance-gaining strategies of, 67-74;

- power balance and, 8; satisfaction of, 7, 66-67. *See also* Disputants
- Code of Professional Conduct for Mediators, Center for Dispute Resolution (Colo.), 218
- Codependency, societal, 252
- Codification function, 239
- Coercion, 228-229
- Cognitive roles: definition of, 136; Mediation Inventory for Cognitive Roles Assessment and, 137-139; types of, 137-138
- "Cognitive Roles in the Mediation Process: Development of the Mediation Inventory for Cognitive Roles Assessment," 135-146
- Comediation, 161, 285
- Commitment, mediator, 283
- Common law property, 37
- Communication: challenges for mediators, 348; children in mediation and, 149; client satisfaction and, 67; domestic violence mediators and, 327; framing and, 239; homosexual issues and, 79-80. *See also* Compliance-gaining strategies
- Communication, divorce mediation and (study): argumentativeness and, 72-74; background, 66-71; client satisfaction and, 74; compliance-gaining strategies and, 72; discussion, 74-76; method, 71-74; procedure, 62; results, 74; sample, 71-72; verbal aggression and, 74
- "Communication Effects on Divorce Mediation: How Participants' Argumentativeness, Verbal Aggression, and Compliance-Gaining Strategy Choice Mediate Outcome Satisfaction," 65-78
- Communication model: case example of, 241; characteristics of, 238; discussion of case analysis and, 243-246; frame congruence and, 240; framing and, 238-239; mediation process in, 242-243; re-framing and, 240-241, 246-247; shared interpretation and, 240; theoretical background of, 238-239
- Communication skills, 288-289
- Communication strategies, 315
- Compliance, 6, 159-160
- Compliance-gaining strategies: antisocial, 69-71; definition of, 67; interpersonal vs. nonpersonal issues in, 67-68; prosocial, 68-69; research on, 67; typology of, 68-71
- "Concepts of Neutrality in Family Mediation: Contexts, Ethics, Influence, and Transformative Process," 215-236
- Conflict: adolescents and, 21; defined, 270; definition of, 311; emotional/relational context of, 202; mapping techniques and, 313-314; as problem, 7; PSI approach and, 311-312; student definition of, 257; subjective nature of, 311-312. theory vs. theory-in-action and, 103. *See also* Environmental conflict
- Conflict analysis, 289, 313
- Conflict handling strategy, 315
- Conflict mapping, 313-314
- Conflict model. *See* Applied Practice and Theory (APT) Program
- Conflict resolution: emphasis on, 7-8; healing/peacemaking focus of, 203; high school training program (study), 23-35; mediation and, 135; mediator role in, 7; as moral endeavor, 300; origins of, 3-4; policy-action discordance and, 102-103; political nature of, 102; power balancing view of, 229; public policy organizations and, 103; training for, 94; win-win formulation and, 265. *See also* UTSA Problem Solving/Conflict Resolution Program
- Conflict resolution education: for children, 243, 248; empowerment and, 248; technical rationality model and, 94-95. *See also* Applied Practice and Theory (APT) Program
- Conflict resolution interventions: choice-action discordance and, 104; choice actions and, 103-104; decision making and, 104-107; mediator neutrality/impartiality and, 104; policy-action discordance and, 102-103; single-loop learning and, 104
- "Confronting Social Injustice as a Mediator," 293-307
- Consensus peer mediation model (study): conclusion, 264-265; conflict and, 257; implications of, 263-264; needs/goals in, 264; project introduction, 256-258; research background, 255-256; resolution options and, 257-258; structural elements of, 258-263; transformational process in, 259-263
- Consistency, 45-46
- Constrained view, of human nature, 230-231

- Context continuum, 233
- Cook County, Illinois, attorneys' mediation use (study): background, 353-354; conclusions/recommendations, 361-363; findings, 359-361; future research and, 364; implications, 363-364; objectives, 354-357; sample group, 357-358; survey, 355-356;
- survey instrument, 358-359
- Course training: case analysis and, 286; demonstrations and, 286; purposes of, 285-286; role plays/simulations and, 286-287
- Court system. *See* Judicial system
- Crisis intervention, 312
- Crisis of governance, 277
- Critic role, 137
- Cultural continuum, 233

D

- Decision making: Applied Practice and Theory (APT) Program and, 104-107; bounded rationality model of, 105; child protection mediation and, 125-126; conflict resolution interventions and, 104-107; mediation and, 104; six-step model of, 105. *See also* Problem solving
- Definer role, 137
- "Development of Pedagogy and Practicum, The," 93-110
- Developmental stage theory: Ericksonian psychosocial model of, 254; Fowler's model of, 254; Freudian model of, 254; individuals associated with, 253-254; Mahler's model of, 254
- Dialogue, 202
- Directiveness, 228-229
- Disciplinary power, 12
- Disputants: expectations of, 247; influence of, 237-238, 241, 243-244, 247-248; mediation with corporate (case study), 241-243; reframing and, 241; responses of, 247. *See also* Clients
- Dispute resolution, 330. *See also* Mediation
- Disputes, defined, 270. *See also* Environmental disputes
- Diversity, 230, 232
- Divorce: concept of marriage and, 39; earlier timing of, 184; equitable distribution and, 39-40; frequency of, 184; law, 39-40; no-fault, 37, 47 self-representation and, 321
- Divorce mediation: benefits of, 179-180; child therapists and, 181-183, 187-188; children as hidden clients in, 180; children's involvement in, 141-148; claims vs. rights in, 41; communication and, 66; compliance-gaining strategies in, 68-71; definition of, 66; effectiveness of, 67; expanding scope of, 180-184; fairness and, 41; gender issues in, 331; goals of, 179, 182; homosexual issues in, 78-79; satisfaction with, 66-67, 74-76; senate bill on, 188; stage approach to, 179; superiority of, 66; twenty-five-year follow-up study of, 182. *See also* Child assessment; Child custody; Children, in mediation; Communication, divorce mediation and (study); Partners in Transition, divorce mediation and; Property settlement
- Domestic violence: arbitration and, 330; case management and, 330; dispute resolution services for, 330; frequency/variation of, 323-324; identifying, 325-326, 332; judicial system failure and, 321; mediation-evaluation approach to, 330; mediator attitudes toward, 324-325; prevalence of, 320-321; recognition of, 326
- Domestic violence advocates, 320, 327-328
- Domestic violence mediation: attorneys and, 329-330; caseload issues and, 320, 332; child custody and, 328-329; criticism of, 320-321; discussion/legislation on, 321; domestic violence advocates and, 327-328, 333; feminists' objections to, 320; identifying domestic violence and, 325-326, 332; literature on, 320-321; litigation and, 321; power imbalance and, 320; program response measures in, 332-333; risks of, 331-332; risks/advantages of, 331-332; safety and, 320, 332-333; screening for, 321, 333; services/forums for, 330; success of, 326-327; support for, 321
- Domestic violence mediation, court-based (study): advocate reactions and, 327-328; advocate-mediator communication and, 327; conclusions, 332-333; custody/visitation concerns and, 328-329;

findings, 323-332; frequency/variation of domestic violence and, 323-324; information base, 322; judge/attorney reactions and, 329-330; mediator attitudes and, 324-325; method, 322-323; problems in identifying domestic violence and, 325-326; recognition of domestic violence and, 326; research directions, 330-331; risks/advantages of, 331-332; services/forums for, 330; sites, 322-323; success rates and, 326-327

Dukes, E. F., "Training and Educating Environmental Mediators: Lessons from Experience in the United States," 269-292

Durable resolutions, 299-300, 304-305

E

Educative mode, 221, 223

Educators for Social Responsibility, 255

"Effects on High School Students of Integrating Conflict Resolution and Peer Mediation Training into an Academic Unit," 21-36

Elliott, G. M., "Cognitive Roles in the Mediation Process: Development of the Mediation Inventory for Cognitive Roles Assessment," 135-146

Elmore, A., "The Role of Children in Mediation," 147-154

Emotional continuum, 233

Emotional issues: dialogue and, 202; of disputants, 247; divorce mediation and, 182; mediator response to, 225

Emotional monitor role, 137

Empowerment: definition of, 112-113; environmental mediation and, 282; mediation and, 112-113, 130-132; social injustice mediation and, 293-294, 296, 300; social work and, 131; transformative mediation and, 203

Environment, defined, 270

Environmental conflict: costs of, 272; defined, 271; destructive consequences of, 281; environmental disputes and, 271; legislation and, 272; mediation and, 273; political nature of, 280; in U.S., 272

Environmental disputes: adversarial mechanisms and, 272; boundary conditions

and, 271; characteristics of, 270-274; characteristics of, 271-272, 274; environmental conflict and, 270; mediation and, 272-273; multiple parties in, 271; negotiation and, 272; relationship of systems and, 271; settlement and, 277; U.S. experience in mediating, 272-274

Environmental literacy, 282-283

Environmental mediation: advantages of, 273; background/development of, 273; bargaining paradigm and, 274; caveats about, 273; distinguishing characteristics of, 270-274; empowerment and, 282; environmental disputes and, 270-272; ideology of management approach, 277; inclusivity of, 282; mutual learning and, 282; negotiation and, 274; orientations toward, 277; shared responsibility and, 282; sustainable development and, 279-282; systems thinking and, 281; transformational approach, 277-278

Environmental mediator training: academic/real-world partnerships and, 285; Birdwood Workshop on, 269, 276, 278; comediation and, 285; communication skills and, 288-289; conflict analysis skills and, 289; course format for, 285-287; ethics and, 287; facilitation skills and, 290; for mediator competencies, 287-290; mentoring and, 285; negotiation skills and, 289-290; nested hierarchy of opportunity and, 287; process design skills and, 289; process skills and, 288; questions on, 270; real-world options and, 284-285; substantive knowledge and, 287-288; in U.S., 272-274, 284-290

Environmental mediators: choices of, 275-276; commitment of, 283; competencies of, 287-290; consummate, 278-284; determining mediation appropriateness and, 275; environmental literacy of, 282-283; ethics of, 287; facilitating negotiations and, 275-276; flexibility of, 283-284; getting to the table and, 275; ideal qualities of, 279; implementing agreements and, 276; integrity/trustworthiness of, 283; life experience of, 283; planning/organization skills of, 284; positional differences among, 277; responsibilities of, 276-278; role of, 274-276; sustainable development and, 279-282

Environmental protection legislation, 272
 Equality, 39, 44-45. *See also* Equity
 Equitable distribution, 37-40
 Equity: definition of, 37; English courts and, 37; equality and, 39, 44-45; equitable distribution and, 38, 40; feminist theory and, 45; gender issues and, 38; justice and, 39, 46-48. *See also* Fairness
 Ericksonian psychosocial model, 254
 Ethical principles, 228. *See also* Standards, of mediation practice
 Ethics: empowerment and, 132; environmental mediation training and, 287; mediator bias and, 9
 Evolutionary consciousness, 253
 Expanded neutrality, 223-227. *See also* Neutrality, mediator

F

Facilitation skills, 290
 Fairness: alternative dispute resolution movement and, 38-39; client definition of, 42; conceptualization of, 42-43; as consistency, 45-46; debate about, 38; equality and, 45; equitable distribution statutes and, 39-40; gender and, 48-49; how structure affects definition of, 43-44; lawyers and, 41-43; legal aspect of, 43; mediators and, 41-42; neutrality and, 42-43; as pragmatism, 46; statutory definitions of, 39-40; what constitutes definition of, 41-43; who defines, 41. *See also* Equity
 Family culture, 231-232
 Feminism, 38, 45, 320
 Fidelity, 240
 First Nation healing circles, 203
 5-P model, 313
 Flexibility, mediator, 283-284
 Florida landlord-tenant mediation. *See* Mobile home landlord-tenant dispute mediation (study)
 Fowler's story-faith developmental theory, 254
 Frame, 238-239
 Frame bids, 247
 Frame congruence, 240, 246
 Frame set, 244-245
 Framing: communication and, 239; communication model and, 238; concep-

tions of, 240; frames and, 238-239; functions/levels of, 239, 247; as influence, 248

Framing function, 239

Freudian developmental theory, 253-254

Fuller, R. M., "A Nationwide Survey of Mediation Centers," 155-166

G

Gays/lesbians: coming out by, 82-83; culture of, 81-82; culture clash and, 82-84; as mediators, 84-85; movement, 81; as parents, 80-81. *See also* Homosexuality
 Gender: divorce mediation and, 331; fairness and, 48-49
 Generic Architecture of Design, 257;
 George Mason University, 93, 285, 316.
See also Applied Practice and Theory (APT) Program
 Gerety, C., "The Role of Children in Mediation," 147-154
 Glavovic, B. C., "Training and Educating Environmental Mediators: Lessons from Experience in the United States," 269-292
 Gridlock, 277
 Guerra, N. S., "Cognitive Roles in the Mediation Process: Development of the Mediation Inventory for Cognitive Roles Assessment," 135-146

H

Hale, C. L., "Achieving Neutrality and Impartiality: The Ultimate Communication Challenge for Peer Mediators," 337-352
 Harlem, mediation in: Empowerment Zone funding and, 174; goal of, 176-177; insights from tragedy and, 172-173, 176; local economy and, 173-176; racial issues and, 175-176; tragedy at Freddy's and, 171-172
 Hawaiian ho'oponopono, 203
 Healing paradigm: characteristics of, 210-211; humanistic mediation and, 211; problem-solving mediation and, 209-210; victim-offender mediation and, 211
 High school conflict resolution/peer medi-

ation training (study): academic integration and, 33-34; Conflict Management Scale and, 33; dependent measures, 25-27; discussion, 32-35; effectiveness of, 33; independent variable, 23-24; literature review, 21-22; method, 23-29; new data from, 34-35; participants, 23; procedure, 27-29; results, 29-32; student attitude toward conflict and, 34

Homosexuality: communication issues and, 79-80; custody issues and, 80; developing culture of, 81-83; divorce and, 79; individual response to, 80; marriage issues and, 79, 83-84; mediator role and, 84-85; negative views of, 80; parenting issues and, 80-81; social structures and, 80. *See also* Gays/lesbians

How-to/How-not-to demonstrations, 286

Human nature, views of, 230-231

Humanistic mediation: centering and, 205-209; coaching on communication and, 208; connecting with parties in, 206-207; cross-cultural examples of, 203; emotional benefits of, 204; empathy and, 204; face-to-face seating and, 209; follow-up sessions and, 209; healing paradigm and, 209-211; humanistic psychotherapy and, 204; identifying/tapping strengths and, 207-208; mediator role and, 206; nondirective style of, 208-209; power of silence and, 209; practice implications and, 205; premediation sessions and, 206; problem-solving mediation and, 209-210; settlement-driven mediation vs., 204, 211; transformative nature of, 203-204, 211-212; underlying values and, 204-205; victim-offender mediation and, 211. *See also* Transformative mediation

"Humanistic Mediation: A Transformative Journey of Peacemaking," 201-213

Humanistic psychology, 203

I

Identity function, 239

Ideology of management orientation, 277

Impartiality, mediator: centrality of, 337, 339; compromised, 226; defining, 340-340; defining limits of, 294-306; literature on, 217-218, 337; mediator neutrality and, 104, 340; peer mediation

and, 338, 340-341; PSI mediation and, 315-316; standards for, 337-338; total, 220. *See also* Neutrality, mediator

Inclusivity, environmental mediation and, 282

Influence: disputant, 237-238, 241, 243-244, 247-248; framing as, 248; mediator, 217, 224, 237, 241; neutrality and, 237; reframing and, 240-241

Influencing continuum, 233

Institute of Conflict Analysis and Resolution (ICAR), 93-94, 98, 107-108, 285

Integrity, mediator, 283

Interpreter role, 137

J

Jameson, J. K., "Mediation as Mutual Influence: Reexamining the Use of Framing and Reframing," 237-249

Johnson, D. W., "Effects on High School Students of Integrating Conflict Resolution and Peer Mediation Training into an Academic Unit," 21-36

Johnson, R. T., "Effects on High School Students of Integrating Conflict Resolution and Peer Mediation Training into an Academic Unit," 21-36

Judicial system, 6, 12-13, 321

Juries, 48

Justice: fairness and, 46-48; no-fault divorce law and, 47; revenge and, 47

K

Kansas City Gang Summit, 251

Kimsey, W. D., "A Nationwide Survey of Mediation Centers," 155-166

Knowledge: hierarchy of, 95; mediation and, 15; positivist view of, 94-96; power and, 10, 15-16; professional, 97; substantive, 287

L

Labor-management dispute resolution, 4

Labor-management mediation, 274

Laginski, A. M., "Effects on High School Students of Integrating Conflict Resolution

- Laginski, A. M. (*continued*)
and Peer Mediation Training into an Academic Unit," 21-36
- Landlord-tenant disputes. *See* Mobile home landlord-tenant dispute mediation (study)
- Lansky, D. T., "The Role of Children in Mediation," 147-154
- Lawyers: conceptualizing fairness by, 42-43; definition of fairness by, 41; educational function of, 43-44; mediation and, 13; neutrality and, 43. *See also* Attorneys Learning. *See* Organizational learning; Single-loop learning
- Life experience, mediator, 283
- Listening skills, 202
- Litigation, 4, 321, 330
- Lynott, J. M., "Training and Educating Environmental Mediators: Lessons from Experience in the United States," 269-292

M

- McCormick, M. A., "Confronting Social Injustice as a Mediator," 293-307
- McKinney, B. C., "A Nationwide Survey of Mediation Centers," 155-166
- Macquarie University, 309, 316
- Mahler's model of early childhood development, 254
- Maine Mediation and Domestic Abuse Project, 321
- Manley, E. E., "The Role of Children in Mediation," 147-154
- Maori family group counseling, 203
- Marriage: homosexual issues in, 79, 83-84; merging assets and, 46; partnership model of, 39, 45
- "Mediating When Domestic Violence Is a Factor: Policies and Practices in Court-Based Divorce Mediation Programs," 319-335
- Mediation: benefits of, 6; client compliance and, 6; cross-cultural characteristics of, 4; definitions of, 3; disciplinary emphasis of, 12, 18; effectiveness of, 201, 251; formalization of, 4; formative stage of, 65; frame congruence and, 240, 246; judicial system and, 12-13; knowledge and, 15; litigation and, 4; negotiation and, 272; outside experts and, 44; persuasive elements in, 65; popularity of, 65-66, 135, 251; principles/values and, 47; process design of, 54; productive view of, 14; as profession, 15; rationale view of, 16-17; reframing and, 240; resolution emphasis of, 7-8; settlement-vs. dialogue-driven, 201-202; single parties and, 309; social discourse and, 15-16; social issues and, 17, 131; theory-practice debate in, 4. *See also* Alternative dispute resolution (ADR); Ancestral mediation; Assessment, mediation; Child protection mediation; Divorce mediation; Domestic violence mediation; Environmental mediation; Harlem, mediation in; Humanistic mediation; Labor-management mediation; Mediation centers (survey); Mediation models; Mediation stories; Problem solving for one (PS1); Public regulatory mediation; Research, mediation; Social injustice mediation; Student mediation; Transformational mediation; Transformative mediation
- "Mediation and Empowerment in Child Protection Cases," 111-134
- "Mediation Approach Designed by Adolescent Disputants, A," 251-266
- "Mediation as Mutual Influence: Reexamining the Use of Framing and Reframing," 237-249
- Mediation centers (survey): affiliation/association and, 163-164; agreements and, 159; caseload and, 159; certification requirements and, 163; comediator model and, 161; compliance and, 159-160; funding and, 158-159; limitations of, 165; mediator qualifications and, 162-163; mediators per session and, 160-161; procedures, 155-156; profit vs. nonprofit centers and, 158; program participation and, 161-162; results, 156-164; services and, 161-162; staffing and, 156-158; summary, 164-165; training programs and, 162
- Mediation Council of Illinois, 189
- Mediation Inventory for Cognitive Roles Assessment (MICRA): cognitive roles and, 137-139; feedback on, 144; implications of, 144-145; mediation process and, 144-145; mediation session assessment and, 140-142; mediator evaluation/training and, 145; possession assessment and, 140-142; pre-session disputant assess-

- ment and, 140; purpose of, 136; research hypotheses and, 136; results, 144; University of Texas mediation process and, 139; use of, 143-144
- Mediation models/approaches: adversarial-authoritarian, 253; empirical-outcome, 252; family culture and, 232; four-step, 228; humanistic, 203-204, 211-212; interpretive-interactive-process, 252; neutrality and, 216-218; problem-solving, 209-210; process-experiential, 253; reasonable solutions, 300-301; settlement-driven, 201, 204, 211; situation-specific, 216; stage, 248; therapeutic, 229; transformational, 296-299, 302-303. *See also* Communication model; and by specific mediation type
- Mediation modes: educative, 221, 223; normative-evaluative, 221-223; rational-analytic, 221; therapeutic, 221, 223
- "Mediation of Children Issues When One Parent Is Gay: A Cultural Perspective," 79-88
- "Mediation of Mobile Home Landlord-Tenant Disputes: An Assessment of Government Agency Implementation of Mediation," 53-64
- "Mediation on 125th Street: Commerce and Conflict Resolution in Harlem," 171-178
- Mediation process: vs. adversarial process, 264; agreement to agree and, 258; confidence and, 258; confidentiality and, 258; consensus/developmental approach and, 264-265; lack of research on, 252-253; rules/procedures and, 258; safety and, 259; structural elements of, 258-263; transformational experience of, 259-263
- Mediation stories: Oppression Story, 5; Satisfaction Story, 4-16; Social Justice Story, 5; Transformation Story, 5
- Mediator role: analyst, 137; catalyst, 137; child therapy and, 183-184, 187-188; criteria for evaluating, 233; critic, 137; definer, 137; diversity and, 232; double-bind in, 232; emotional monitor, 137; expanded view of, 224; influencer, 217; interpreter, 137; summarizer, 138; synthesizer, 138; task monitor, 138; third-party intervenor, 215. *See also* Cognitive roles
- Mediators: bias of, 7-8, 228; client satisfaction and, 7; cognitive roles of, 137-138; communication challenges of, 348; conceptualizing fairness by, 42; conflict resolution process and, 7; constrained vs. unconstrained view of, 230-231; decision-making responsibility and, 125-126; domestic violence and, 324-325; educational function of, 43-44; emotional issues and, 225; ethical stance of, 9; fairness and, 41-42; homosexual issues and, 84-85; impartiality of, 293-394, 304, 306; influence of, 217, 224, 237, 241; labor, 274; normative competency of, 232; option development of, 116-123; participant equal opportunity and, 123-125; power and, 7-10, 301-302; power balancing and, 8, 126-130; problem solving by, 106; qualifications of, 53-54; Satisfaction Story approach and, 7; self-evaluation by, 233-235; structuring of mediation by, 43; therapeutic role and, 183-184, 187-188; as tour guides, 86. *See also* Environmental mediators; Impartiality, mediator; Mediator role; Neutrality, mediator
- Mental health professionals, 152
- Mentoring, 285
- Mind mapping, 313-314
- Mobile home landlord-tenant dispute mediation (study): analysis, 58-62; background, 54-56; discussion, 62; new program for, 57-58; old program for, 56-57
- Model Standards of Conduct for Mediators, 219, 337, 339-340
- Model Standards of Practice for Family and Divorce Mediation, 189, 219
- Moral Code on Domestic and Family Violence, 321
- Morality: conflict resolution and, 300; defining, 296; relationship and, 295; of women, 295
- Mt. Diablo High School, Concord (Calif.), 257
- Mutual learning, environmental mediation and, 282

N

- "Nationwide Survey of Mediation Centers, A," 155-166
- National Association for Community Mediation (NAFCM), 156, 164

National Association for Mediation in Education (NAME), 255, 340
 National Council of Juvenile and Family Court Judges, 321
 National Environmental Policy Act, 272
 National Institute for Dispute Resolution (NDIR), 155-156, 164
 Native American peacemaking, 203
 Negotiated Rulemaking Act of 1990, 273
 Negotiation: defined, 272; environmental disputes and, 272; mediator skills in, 289-290; skills training, 289-290
 Neutral facilitator role, 145
 Neutrality, mediator: arguments against, 237; centrality of, 215, 337; children in mediation and, 188, 198; client emotions and, 225; client self-determination and, 230; conflict resolution interventions and, 104; cultural concepts and, 230-232; definition of, 218-219, 339-340; dispute context and, 219-220; diversity and, 232; equidistance, 339-340; ethical practice and, 227-228; expanded view of, 223-225; fairness and, 42-43; fallacy of, 104; family culture and, 231-232; impartiality and, 104, 217-218, 340; lawyers and, 43; legal definitions and, 220; literature on, 217-218; mediation model and, 216; mediator self-evaluation and, 216, 233-235; mediator values and, 216; mental health definitions and, 220; models of, 217-218; peer mediation and, 340-341; personal involvement of mediator and, 225-226; power and, 296; power balancing and, 220-221; problem-solving mediation and, 228-229; professional standards and, 218-219; Satisfaction Story and, 7-8, 10; setting/structure and, 216; shared vocabulary and, 217; social justice mediation and, 294; strict vs. expanded, 226-227; sustainable development and, 279. *See also* Impartiality, mediator
 Neutrality continuum, 233
 New Mexico Center for Dispute Resolution, 340
 New South Wales Department of School Education, 316
 New York City public schools, 255
 Nix, C., "Achieving Neutrality and Impartiality: The Ultimate Communication Challenge for Peer Mediators," 337-352

No-fault divorce laws, 37, 47
 Normative-evaluative mode, 221-223
 "Notions of Equity and Fairness in the Context of Divorce: The Role of Mediation," 37-52

O

O'Coin, I., "Effects on High School Students of Integrating Conflict Resolution and Peer Mediation Training into an Academic Unit," 21-36
 Oppression Story, 5
 Organizational actors, 102-103
 Organizational learning, 102-103

P

Partners in Transition, divorce mediation and: assessment philosophy of, 188-189; child assessment case studies and, 192-198; child assessment process of, 190-193; mediated divorce case studies and, 186-188; mediator role and, 183-184, 187-188; therapeutic perspective of, 181-182, 187-188
 Pastorino, R., "A Mediation Approach Designed by Adolescent Disputants," 251-266
 Peacemaking programs, 256
 Pearson, J., "Mediating When Domestic Violence Is a Factor: Policies and Practices in Court-Based Divorce Mediation Programs," 319-335
 Peer mediation, 338, 340. *See also* High school conflict resolution/peer mediation training program (study); Peer mediation programs; Peer mediation training, mediator neutrality and (study)
 Peer mediation training, mediator neutrality and (study): analyses, 344-348; background, 338-341; concerns about, 349-350; conclusion, 348-350; data analysis, 343; data collection, 342-343; mediator neutrality case example, 344-346; mediator impartiality case example, 346-348; peer mediation training and, 342; problems in, 348-349; procedures, 341-343
 Peer mediation programs: evolutionary guidance and, 253; high school (study), 23-

- 35; studies on., 255-256; success of, 251.
See also Consensus peer-mediation model;
Student mediation
- Persuasion, 65
- Pinzón, L. A., "The Production of Power and Knowledge in Mediation," 3-20
- Planning/organizational skills, 284
- Positivist epistemology, 95-96. See also Technical rationality
- Power: cultural differences and, 296; Foucault's view of, 9-10, 12, 15-16; injustice and, 294; knowledge and, 10, 15-16; mediator neutrality and, 11; mediators and, 7-10, 301-302; new dynamic of, 12; as flowing vs. being possessed, 10-11; process view of, 8; as productive vs. coercive, 10; property and, 8; punishment and, 299; Satisfaction Story view of, 8-9; social justice and, 294; sovereign-subject relationship and, 11; transforming, 297; truth and, 16
- Power balance: child protection mediation and, 126-130; child protection system and, 113-114; by clients, 8; conflict resolution as, 229; domestic violence and, 324; domestic violence mediation and, 320; mediator neutrality and, 220-221; mediator role in, 8, 301-302; social justice mediation and, 296, 301-302, 306; therapeutic mode and, 221
- Power networks, 10-11
- Power-over tactics, 299-300, 306
- Practice [articles]: "Achieving Neutrality and Impartiality: The Ultimate Communication Challenge for Peer Mediators," 337-352; "Broadening the Scope of Divorce Mediation to Meet the Needs of Children," 179-199; "Confronting Social Injustice as a Mediator," 293-307; "Mediating When Domestic Violence Is a Factor: Policies and Practices in Court-Based Divorce Mediation Programs," 319-335; "Mediation of Children Issues When One Parent Is Gay: A Cultural Perspective," 79-88; "Mediation on 125th Street: Commerce and Conflict Resolution in Harlem," 171-178; "Problem Solving for One," 309-317; "A Quantitative Analysis of the Use and Avoidance of Mediation by the Cook County, Illinois, Legal Community," 353-364; "Training and Educating Environmental Mediators: Lessons from Experience in the United States," 269-292
- Practitioners. See Professionals
- Pragmatism, 46
- Problem solving: nonadversarial processes for children's, 251; societal codependency and, 252; bias and, 9; directiveness and, 228; ethical issues and, 9; by mediators, 106; mediation and, 6; power networks and, 11; Satisfaction Story and, 7, 17; transformative, 106. See also Decision making; UTSA Problem Solving/Conflict Resolution Program
- "Problem Solving for One," 309-317
- Problem solving for one (PS1): alternative generation/costing step, 314-315; applications of, 316; background, 309-311; brainstorming and, 314; brief therapy and, 312; communication strategies and, 315; components of, 309; conflict and, 311-312; conflict analysis, 313; conflict handling strategy and, 315; counseling foundation of, 312; crisis intervention skills and, 312; description, 309; difficulty with 311; facilitator interests and, 316; implications of, 315-316; preamble/introduction step, 313; as problem focused, 316; process of, 313-315; role play and, 315; schematic of, 310; single parties and, 309; storytelling step, 313
- Problem-solving mediation: coercion and, 228-229; humanistic mediation and, 209-210; influence and, 228-229; mediator neutrality and, 228-229; self-determination and, 228
- Process design, 289
- Process skills, 288
- "Production of Power and Knowledge in Mediation, The," 3-20
- Professional advice, AFM Standards and, 180
- Professional education: basic components of, 94-95; technical rationality model of, 94-95. See also Conflict resolution education
- Professionals: definition of, 97; knowledge of, 97; reflection-in-action and, 97
- Program on Conflict Management Alternatives, 304
- Property distribution, 39, 44-45

Property settlement: common law system of, 37; equitable distribution and, 37-38; fault and, 47-49; formal equality model of, 44-45; grab-it-all approach to, 46; jury role in, 48; legal aspects of, 43; merging assets and, 46; punishment and, 47; Uniform Marriage and Divorce Act and, 37

Prosocial compliance-gaining strategies, 68-69

Public policy organizations, 102-103

Public regulatory mediation, 53-54;

"Quantitative Analysis of Use and Avoidance of Mediation by the Cook County, Illinois, Legal Community, A," 353-364

R

Rational-analytic mode, 221

Rationality. *See* Bounded rationality; Technical rationality

Ray, M. L., "Notions of Equity and Fairness in the Context of Divorce: The Role of Mediation," 37-52

Reality test, 300, 302-303

Reasonable resolutions, 300-301

Reasonable settlement, 296. *See also* Settlement Recommended Standards for School-Based Peer Mediation Programs, 340

Reflection-in-action: Applied Practice and Theory (APT) Program and, 99-100; definition of, 96; learning through, 99-100; professional use of, 97; steps of, 96-97. *See also* Reflective practice

Reflective listening, 202. *See also* Listening skills

Reflective practice, 94-97. *See also* Reflection-in-action

Reflective practitioners, 94-97

Reframing: conceptions of, 240; disputants and, 241; frame congruence and, 246-247; frame levels and, 247; limitations of, 240-241; as mutual influence, 240-241

Relationship: cultural differences and, 295; function of, 239

Research [articles]: "Cognitive Roles in the Mediation Process: Development of the Mediation Inventory for Cognitive Roles Assessment," 135-146; "Communication Effects on Divorce Mediation: How Par-

ticipants' Argumentativeness, Verbal Aggression, and Compliance-Gaining Strategy Choice Mediate Outcome Satisfaction," 65-78; "Effects on High School Students of Integrating Conflict Resolution and Peer Mediation Training into an Academic Unit," 21-36; "Mediation and Empowerment in Child Protection Cases," 111-134; "A Mediation Approach Designed by Adolescent Disputants," 251-266; "Mediation as Mutual Influence: Reexamining the Use of Framing and Reframing," 237-249; "Mediation of Mobile Home Landlord-Tenant Disputes: An Assessment of Government Agency Implementation of Mediation," 53-64; "A Nationwide Survey of Mediation Centers," 155-166; "Notions of Equity and Fairness in the Context of Divorce: The Role of Mediation," 37-52; "The Role of Children in Mediation," 147-154

Research, mediation: assessment and, 136; children's involvement and, 147-149; disputant roles and, 136; lack of, 135; mediation process and, 252; outcomes vs. process orientation of, 144; peacemaking programs and, 256; peer mediation programs and, 255-256; positivist-postpositivist approaches to, 252; process orientation of, 252; separation of, from practice, 95; student mediation programs and, 255; transdisciplinary approaches and, 252; violence prevention and, 252. *See also by specific study/survey*

Resolving Conflict Creatively Program (RCCP), 255

Restitution, 302-303, 306

"Role of Children in Mediation, The," 147-154

Role plays/simulations, 286, 315

Rudd, J. E., "Communication Effects on Divorce Mediation: How Participants' Argumentativeness, Verbal Aggression, and Compliance-Gaining Strategy Choice Mediate Outcome Satisfaction," 65-78

S

Samoan Circle, 305

Satisfaction, 66-67, 74-76

Satisfaction Story: benefits of mediation

- and, 6; characteristics of, 6-7; critical analysis of, 9-16; defined, 4-5; disciplinary orientation and, 12, 18; Foucault's view of power and, 9-16; main emphasis of, 7; problem-solving approach of, 6, 17; truth and, 16; view of power of, 8-10
- Satisfaction with Divorce Mediation Instrument (SDMI), 67
- Self-determination, 180, 217, 222, 228, 230
- Settlement: bargaining paradigm and, 274; ideology of management and, 277; transformative mediation and, 278
- Settlement-driven mediation, 201, 204, 211
- Shared interpretation, 240
- Shared responsibility, environmental mediation and, 282
- Single-loop learning, 104
- Social discourse, 15-17
- Social justice: context factors and, 380; power and, 294; restitution and, 302-303, 306; stress and, 302; victims and, 302-303
- Social justice mediation: case examples of, 297-299; cultural differences and, 295-296; durable resolutions and, 299-300, 304-305; emotional issues and, 305; empowerment and, 293-294, 296, 300; mediator impartiality and, 293-294, 304, 306; mediator training/skills and, 304; power issues and, 296, 301-302, 306; reality testing and, 300, 302; reasonable solutions and, 300-301; restitution and, 302-303, 306; rights-vs. interest-based approaches to, 294-295; Samoan Circle and, 305; stakeholder interests and, 294-295; transformational mediation and, 296-297, 306; victim perspective and, 303-304
- Social Justice Story, 5
- Social work, 131
- Society of Processionals in Dispute Resolution (SPIDR), 54, 218-219, 337, 339
- Spousal abuse. *See* Domestic violence
- Stamato, L., "Mediation on 125th Street: Commerce and Conflict Resolution in Harlem," 171-178
- Standards: Code for Professional Conduct for Mediators, 218; ethical principles and, 228; mediator qualification debate and, 54; Model Standards of Conduct for Mediators, 219, 337, 339-340; Model Standards of Practice for Family and Divorce Mediation, 189, 219; self-determination and, 180, 217, 222, 228; Standards of Practice for Family and Divorce Mediation, 180-181, 189
- Standards of Practice for Family and Divorce Mediation (Academy of Family Mediators), 180-181, 189
- Standards of Practice (Mediation Council of Illinois), 189-190, 195-198
- Stevahn, L., "Effects on High School Students of Integrating Conflict Resolution and Peer Mediation Training into an Academic Unit," 21-36
- Stiffl, B., "Mediation in Mobile Home Landlord-Tenant Disputes: An Assessment of Government Agency Implementation of Mediation," 53-64
- Strict neutrality, 226-227. *See also* Neutrality, mediator
- Student mediation, 255. *See also* Peer-mediation programs
- Substantive knowledge, 287
- Summarizer role, 138
- Sustainable development, 279-281
- Swift, L. H., "The Role of Children in Mediation," 147-154
- Synthesizer role, 138
- Systems thinking, 281

T

- Task monitor role, 138
- Taylor, A., "Concepts of Neutrality in Family Mediation: Contexts, Ethics, Influence, and Transformative Process," 215-236
- Teamwork, 99
- Technical rationality: artistic practice and, 95; bounded rationality and, 105-106; dichotomies of, 95-96; dominance of, 94; knowledge hierarchy and, 95; problems with, 95-96; professional knowledge and, 94-95; reflective practice and, 96-97
- Theory [articles]: "Concepts of Neutrality in Family Mediation: Contexts, Ethics, Influence, and Transformative Process," 215-236; "The Development of Pedagogy and Practicum," 93-110; "Humanistic Mediation: A Transformative Journey of Peacemaking," 201-213; "The Production of

Theory [articles] (continued)

Power and Knowledge in Mediation," 3-20

Therapeutic mode, 221, 223

Therapy: children in mediation and, 181-182, 187-188; client self-determination and, 229; humanistic, 204; mediation and, 204. *See also* Brief therapy; Child therapists; Crisis intervention

Tidwell, A., "Problem Solving for One," 309-317

Toronto Forum on Woman Abuse and Mediation, 321

Training/development: domestic violence mediation, 324-325; mediation centers and, 162; Mediation Inventory for Cognitive Roles Assessment and, 145; PSI approach and, 315-316. *See also* Conflict resolution education; Course training; Environmental mediator training; Peer mediation training, mediator neutrality and (study)

"Training and Educating Environmental Mediators: Lessons from Experience in the United States," 269-292

Transformation Story, 5

Transformational mediation: case examples, 297-299; defined, 296; durable resolution and, 299; power and, 296; restitution and, 302-303, 306; social justice mediation and, 296

Transformational-problem-solving continuum, 233

Transformational process experience, 259-263

Transformative mediation: elements of, 203; humanistic model and, 203-204, 211-212; murder and, 203. *See also* Humanistic mediation

Transformative orientation, 277-278

Transformative problem solving, 106

Trustworthiness, mediator, 283

Truth, 16

Tutorials, 100

U

Umbreit, M. S., "Humanistic Mediation: A Transformative Journey of Peacemaking," 201-213

Unconstrained view, of human nature, 230-231

Uniform Marriage and Divorce Act, 37

University of Michigan, 304

University of Texas, San Antonio (UTSA), 136, 139, 143-144

UTSA Problem Solving/Conflict Resolution Program: Mediation Inventory for Cognitive Roles Assessment and, 143; mediator roles and, 136

V

Values: consensus paradigm and, 264; humanistic, 204-205; mediation and, 47

Verbal aggressiveness, 70-71. *See also* Anti-social compliance-gaining strategies

Victim-offender mediation, 203, 211

Victims, of injustice, 302-303

Violence prevention, 252

W

Warfield, W., "The Development of Pedagogy and Practicum," 93-110

Women: abuse of, 320-321; advocates for, 320; morality of, 295; property settlement and, 47-49; relationship and, 295

